

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## ORDER

WOLF, D.J.

March 30, 2005

The court has received Paul Markham, Esq.'s Motion to Withdraw as Criminal Justice Act counsel for defendant Clarence L. Earle because of irreconcilable differences. The motion will require a hearing before being decided. Earle's prior counsel was permitted to withdraw because of irreconcilable differences. Mr. Markham was appointed to replace him. Therefore, the court is not only concerned about whether there is a proper basis to permit Mr. Markham to withdraw, but also about whether Earle can and will work appropriately with any other counsel the court might appoint.

Accordingly, it is hereby ORDERED that:

1. The March 30, 2005 hearing is CANCELLED.
  2. Mr. Markham and Earle shall confer and Mr. Markham shall, by April 5, 2005, inform the court whether he feels he can continue to represent Earle. If he wishes to maintain his motion to withdraw, Mr. Markham shall file a supporting affidavit ex parte and under seal.
  3. A hearing to address all pending matters shall be held on

April 8, 2005, at 10:00 a.m. If, by agreement or by order of the court, Mr. Markham continues to represent Earle, the trial previously scheduled to begin on April 4, 2005, shall commence on April 18, 2005.

/s/ Mark L. Wolf

UNITED STATES DISTRICT JUDGE